

Emergency Rules

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 10—Adjutant General Chapter 5—Missouri Veterans' Recognition Program

EMERGENCY AMENDMENT

11 CSR 10-5.010 Missouri Veterans' Recognition Program. The Adjutant General is amending the Purpose, sections (1), (2), (3), (4), (6), (7), (8) and (10).

PURPOSE: This amendment expands the recognition program to include the Vietnam War veterans who were honorably discharged and reside as a legal resident of the state or was a legal resident of the state of Missouri at the time he or she entered or was discharged from military service or at the time of his or her death.

PURPOSE: This rule prescribes guidelines as required by sections 42.175, 42.200, and 42.222, RSMo, to administer the World War II Veterans' Recognition, [and the] Missouri World War II "D-Day" Invasion of Europe, Korean Conflict and Vietnam War Medal Program. These guidelines provide a framework for World War II, Korean Conflict and Vietnam War veterans to apply for medal, medallion, and certificates in recognition of their service to Missouri and our nation during the World War II, Korean and Vietnam Wars.

EMERGENCY STATEMENT: Vietnam War veterans, who were honorably discharged and reside as a legal resident of Missouri or were a legal resident of Missouri at the time he or she entered or was discharged from military service or at the time of his or her death, are authorized to make application to the Veterans Recognition Program for the Vietnam War medallion, medal and certificate of appreciation. This emergency amendment informs Missouri Vietnam War veterans and their spouses that they may apply for recognition awards and defines award eligibility criteria. The emergency amendment is necessary because of the compelling governmental interest to honor Missouri's estimated two hundred thirty thousand (230,000) Vietnam War veterans for their honorable and patriotic service to our state and nation. This law leaves little time to notify Missouri's veterans of their award eligibility due to the January 1, 2007 start up date and implementing an emergency amendment for the program will ensure that Missouri's compelling need to recognize these veterans for their service to preserve social freedoms will be achieved in a timely and comprehensive manner. The scope of this emergency amendment complies with the protections extended in the Missouri and United States Constitutions. The Division of Public Safety—Office of the Adjutant General believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 7, 2006, effective September 7, 2006, expires February 24, 2007.

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Adjutant General—As defined in Chapter 41, *Revised Statutes of Missouri*, section [41.110] **41.160** and all amendments thereto;

(B) Appropriate service records—Military records documenting the honorable service of a veteran in the armed forces of the United States eligibility for awards authorized under the Missouri World War II, Korean Conflict and Vietnam War Recognition Program. A Department of Defense DD-214 or other document acceptable to the Adjutant General;

(I) Eligible World War II veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending December 31, 1946 provided [1]—

1. [t/That such veteran [was] is a legal resident of the state of Missouri or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and [2]]

2. [s/Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was legal resident of this state at the time of his or her death;

(J) Eligible Korean Conflict Veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning June 27, 1950 and ending January 31, 1955 provided—

1. That such veteran [was] is a legal resident of the state of Missouri or was a legal resident of this state at the time he or she entered or was discharged from military service or at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was a legal resident of this state at the time of his or her death;

(K) Eligible Vietnam War Veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning February 28, 1961 and ending May 7, 1975 provided—

1. That such veteran is a legal resident of the state or was a legal resident of the state of Missouri at the time he or she entered or was discharged from military service or at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was in active service in honorable status at the time of his or her death;

[(K)] (L) Honorably separated—The release from military service or duty under honorable conditions;

[(L)] (M) Honorable status—Attesting to creditable conduct while serving on active duty in the military;

[(M)] (N) Intestate survivor—The survivor of a [World War II] veteran who has died without a will;

[(N)] (O) Eldest living survivor—the eldest survivor of a veteran connected by blood or affinity;

[(O)] (P) Jubilee of Liberty Medal—A medal created by the Regional Council of Normandy, France, in 1994 to commemorate the 50th anniversary of the June 6, 1944, "D-Day" invasion of Europe;

[(P)] (Q) Korean Conflict—The United States led United Nations forces to defend South Korea from North Korean invaders aided by China and the former Soviet Union, beginning June 27, 1950 and ending January 31, 1955;

[(Q)] Korean Conflict Veterans' Recognition Award Fund—As defined in section 42.206, RSMo, consisting of all gifts, donations and bequests to the fund to be administered by the Adjutant General;

(R) Vietnam War—The war beginning February 28, 1961 and ending May 7, 1975;

[(R)] (S) Legal resident—A person (veteran) whose official United States mailing address is within the boundaries of the state of Missouri;

[(S)] (T) Medal—A small object usually metal in nature bearing an emblem or picture that is issued to commemorate a person's participation in an event or is awarded for excellence or achievement;

[(T)] (U) Medallion—An object or coin, usually round or oval in shape, resembling a medal;

[(U)] (V) Replica—A close reproduction or facsimile of the original;

[(V)] (W) Spouse—Married person, i.e.: husband, wife;

[(W)] (X) Veteran—Any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency;

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[(X)] (Y) Veterans Commission—The commission created by section 42.007, RSMo;

[(Y)] (Z) World War II—The World War beginning December 7, 1941, and ending December 31, 1946;

[(Z)] (AA) World War II, **Korean Conflict and Vietnam War Veterans' Recognition Award Funds**—As defined in sections 42.195, **42.206 and 42.226**, RSMo, consisting of gifts, bequests, and donations to be administered by the Adjutant General.

(2) The Adjutant General is responsible for the administration of the Missouri World War II Veterans' Recognition and the World War II "D-Day" Invasion of Europe, **Korean Conflict and Vietnam War Medal Programs** and, subject to an appropriation for this purpose, will distribute a medal, medallion, and certificate to each qualified Missouri *[World War II]* veteran.

(3) Design.

(A) The Veterans Commission is responsible for the design of the form of the medallions, medals, and certificates and will provide the approved designs to the Adjutant General for distribution.

(4) To be eligible for the World War II, *[or]* Korean Conflict **or Vietnam War Veterans' Recognition Awards**, the veteran must:

(A) Have served on active duty in the United States military service at anytime beginning December 7, 1941, and ending December 31, 1946 for the World War II award; *[and]* June 27, 1950, and ending January 31, 1955 for the Korean Conflict award; **and February 28, 1961, and ending May 7, 1975 for the Vietnam War;**

(B) Be a legal resident of Missouri or was a legal resident of this state at the time he or she entered or was discharged from military service or **was in active service in honorable status** at the time of his or her death;

(6) World War II, "D-Day" Invasion of Europe, *[and]* Korean Conflict, **and Vietnam War** veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate military service record verification forms to the Office of the Adjutant General, Attention: Director, Missouri Veterans' Recognition Program, *[2303]* **2302** Militia Drive, Jefferson City, MO 65101-1203. World War II and Jubilee of Liberty award applications must be submitted anytime after January 1, 2001. Korean Conflict Award applications must be submitted anytime after January 1, 2004. **Vietnam War Award applications must be submitted anytime after January 1, 2007.** Applications and service forms will not be returned and will become property of the state of Missouri.

(7) Application forms may be obtained by contacting the Office of the Adjutant General or contacting local Missouri Veterans Commission offices. Forms will also be provided to Missouri veterans' organizations upon request to the Director, Veterans' *[World War II]* Recognition Program.

(8) If any person dies after applying for a medallion, medal and a certificate *[pursuant to sections 42.170 to 42.206, RSMo,]* and such person would have been entitled to the medallion, medal, and the certificate, the Adjutant General shall award the medallion, medal, and the certificate in the following order:

(10) Eligibility Determination.

(A) If the Adjutant General disallows any veteran's claim to a medallion, medal, and a certificate *[pursuant to sections 42.170 to 42.190, RSMo, for World War II and/or the "D-Day" Invasion of Europe recognition programs]*, a statement of the reason for the disallowance shall be filed with the application and a notice of ineligibility will be mailed to the applicant at the applicant's last known address.

(B) The notice of ineligibility will include information on the appeal process for applicants whose requests for *[World War II Recognition Programs]* awards are denied. Denied applicants will have thirty (30) days from receipt of notices of ineligibility to submit written appeals.

AUTHORITY: section 42.175, RSMo Supp. [2004] 2005. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expired Feb. 27, 2003. Amended: Filed July 22, 2002, effective Jan. 30, 2003. Emergency amendment filed July 25, 2003, effective Aug. 21, 2003, expired Feb. 17, 2004. Amended: Filed July 25, 2003, effective Feb. 29, 2004. Emergency amendment filed July 19, 2005, effective July 29, 2005, expired Jan. 24, 2006. Amended: Filed July 19, 2005, effective Jan. 30, 2006. Emergency amendment filed Aug. 7, 2006, effective Sept. 7, 2006, expires Feb. 24, 2007. An emergency amendment and proposed amendment covering this same material will be published in the September 15, 2006 issue of the Missouri Register.